## Maryland Board of Pharmacy Public Meeting Minutes July 16, 2008

**Today's Attendance Year-to-Date Attendance** Name Title Present Absent Present Absent Anderson, C. Commissioner 5 2 Х Bradley-Baker, L. Commissioner Х 7 0 Chason, D. Commissioner/Secretary Х 0 Finke, H. Commissioner 0 Х Handelman, M. Commissioner Х 6 Israbian-Jamgochian, L. Commissioner 0 Leandre, A. Commissioner Х 0 Matens, R. Commissioner Х 1 0 Souranis, M. Commissioner/Treasurer 7 0 Х Taylor, D. Commissioner/President 0 X Taylor, R. Commissioner 0 х Zimmer, R. Commissioner 6 Х Bethman, L. **Board Counsel** Х 7 0 MIS Manager Licensing Manager Banks, T. 6 X Costley, S. Х 0 Compliance Investigator
Administration and Public Support Manager Eversley, C. Х 6 Gaither, P. X 7 0 Goodman, S. **Public Information Officer** 7 0 Legislation/Regulations Manager Jeffers, A. Х 7 0 Executive Director Naesea, L. 6 1 (excused) Х Simmons, L. **Executive Secretary** 2 Х 0 Taylor, A. Compliance Officer

Subject	Responsible Party	Discussion	Motion	Action/Results
I. Call to Order	Donald Taylor, Board President	D. Taylor brought the Public Meeting to order at 9:00 A.M. Members of the Board with a conflict of interest relating to any item on the agenda were asked to notify the Board at this time or when the issue is addressed in the agenda.		
II. Approval of the Minutes	Donald Taylor, Board President	Revisions to Minutes: Approval of Minutes: June 18, 2008  1. Page 1, Section I. Item 2. Add "to."  2. Page 3, Section VI. Item 1. Add "School of Pharmacy."  3. Page 3, Section VI. Action Results. Remove "this is fine, but unless we pay him for students we can demand that he develop, nor that we review such as contract."  4. Page 4, Section VII. Remove "to".  5. Page 4, Section VIII. Item 1.A. Add "A."  6. Page 4, Section VIII. Motion, Item A. Remove "vaccine administration, and add "vaccinations."  7. Page 5, Section VIII. Motion, Item B. Remove "C. Anderson and add "H. Finke".  8. Page 5, Section VIII. Item 2 B. Remove "three" and add "which include."  9. Page 6. Section VIII. Item 2B. add "Maryland."	Motion: R. Taylor made a motion to accept the June 2008 minutes as amended. M. Handelman seconded the motion.	Board Action: The Board voted to approve the minutes as amended.
		10. Page 6. Section VIII. Motion Item C. remove" approve the survey letter with a		

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		letter to permit holders and wholesalers, and add "approve the survey with a cover letter explaining the terminology included in the survey to permit holders and wholesalers."  11. Page 7. Section VIII. Motion Item E. Remove "motion to approve the proposed regulations as amended, add "motion to approve the submission of a letter requesting an extension for the pharmacy technician report."  12. Page 7. Section IX. Item 2. Remove "?".  13. Page 9. Section XI. Item 8. Remove "was."  14. Page 10. Section XI. Item 13, 14, 15, 16. Change to "12 a, 12 b, 12c, 12 d".  15. Page 10. Section XI. Item 17, 18. Change to "43, and 14."  16. Page 10. Section XI Item 12 B. Remove "Lee" and add "Lin."  17. Page 13. Section XII. Motion, Item 5. Remove "7/01/08" and add "07/28/08."  18. Page 15. Section XII. Item 8. add "by the Licensing Committee."  19. Page 18. Section XVI. Item 2b. Remove "?".		
III. Executive Director	LaVerne Naesea, Executive Director	1. L. Naesea introduced the new Commissioner, Mr. Richard Matens, to the Board. Richard Matens is the Assistant Health Commissioner, Division of Chronic Disease Prevention of the Baltimore City Health Department.  2. D. Taylor asked all Board members and staff to introduce themselves to Mr. Matens and also to let him know their affiliation with the Board.  3. L. Naesea reported that one pharmacist inspector and one technician inspector position are open at this time.  4. L. Naesea reported that draft findings were received for the Legislative Audit Update:  a. The Board did not adequately restrict access to the automated licensing functions. One member of the licensing staff was promoted and the license printing privileges were not restricted. This could have resulted in access to restricted functions. The procedures to ensure restriction of access to new license issuances and changes to existing licenses in the Board database have been implemented.  b. The Board must develop adequate procedures for checking the status of licenses based on five (5) instances in which the audit revealed expired licenses listed as still in force.  c. The Board of Pharmacy did not register Pharmacy Technicians by the July 1, 2007 date listed in the Legislation. The Regulations for Pharmacy Technicians were requested and approved in February 2008 which delayed the registration process.  d. Certain cash deposits were not verified by the existing cash receipt functions.  The cash mail is processed by Board staff and then taken to the DHMH Fiscal Analyst.  The Analyst deposits the cash in the bank. The Board staff has not verified whether the money was actually deposited. The auditor recommended that		

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	nt person verify the					
		5. L. Naesea reported that the E area for the four (4) new inspec		ional space for a work		
		L. Naesea reported that the E renovated to add doors and a p improve the waiting area for vis will be secured when the office	oublic waiting area to sec sitors. A lock will be inst	cure the Board's area and		
IV. Division of Drug Control	Ann Taylor, Compliance	1. A. Taylor presented the Divis	sion of Drug Control Rep	ort for June 2008.		
	Officer	Type Total Inspections 73	Retail Institution			
		Inspections 73 Opening 8	72 8 7 0	6		
		Closing 3 Special	5 0	0		
		Investigations 0	0 0	0		
V. PEAC Report	Anthony	A. Taylor reported that the m Regulatory Agency (NRC) and develop the Board's inspection     D. Taylor reported that the el and will be submitted to the Bo     A. Tommasello presented the	NABP are being used as form. ectronic inspection formard for approval in the n	references by the staff to us are still in development ear future.		
V. I LAC Report	Tommasello, PEAC	following chart.	er LAC Report for June	2000 Summanzeu III the		
		Category	Total			
		Pharmacist Technician	13			
		Pharmacy Student	2			
		Total Self Referred	16			
		Drug Test Results	44			
		Positive Urine Results	0			
		Client Discharges	0			
		New Cases Self Referrals transferred	1			
		to the Board	0			
		Board Cases requesting PEAC assistance	8			
		A. Tommasello reported that been sent to the printer and will				

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		3. A. Tommasello requested that information regarding the seminar be placed in the Board's Newsletter.		
VI. Legislation and Régulations	Anna Jeffers, Legislation and Regulation Manager Report	Regulations- Approval of Revisions     A. Jeffers provided the draft of COMAR 10.34. 32, Pharmacist Administration of Vaccinations, for Board approval.	A. Motion: M. Souranis made a motion to approve the final draft of COMAR 10.34.32. H. Finke seconded the motion.	A. Board Action: The Board voted to approve the final draft for COMAR 10.34.32.
		B. A. Jeffers provided the draft of COMAR 10.34.25, Delivery of Prescriptions, for Board approval.  COMAR 10.34.25.04B(3) was discussed and amended to read:  "In order to minimize interruption of therapy, the permit holder shall notify the patient if the patient receives a prescription drug with a temperature sensor that indicates it is outside of the range of the manufacturer's recommended storage conditions, the patient may:"	B. Motion: D. Chason made a motion to approve the final draft of COMAR 10.34.25, as amended. M. Souranis seconded the motion.	B. Board Action: The Board voted to approve the final draft of COMAR 10.34.25, as amended.
		C. A. Jeffers provided the draft of COMAR 10.13.01, Dispensing of Prescription Drugs by a Licensee, for Board approval.  The following amendments were discussed and amended as follows:  COMAR 10.13.01.03 - D was added to read:  "D. Each permit issued to a licensee should be for a specific location and is non-transferable."  COMAR 10.13.01.04 - J was added to read;  "J A licensee shall submit to an annual inspection by the Division of Drug Control."  COMAR 10.13.01.04 - K was amended to read;  "A licensee shall maintain a separate file for Schedule II prescriptions according to federal law."	C. Motion: H. Finke made a motion to approve the draft of COMAR 10.13.01., as amended. M. Handelman seconded the motion.	C. Board Action: The Board voted to approve the final draft of COMAR 10.13.01, as amended.
		Regulations Status Update:     A. A. Jeffers reported that COMAR 10.34.19, Sterile Pharmaceutical Compounding, was submitted June 24, 2008. The Regulation is currently on the DHMH Secretary's desk for review.		

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		B. A. Jeffers reported that COMAR 10.34.09, Fees, will be submitted in the upcoming week.		
		C. A. Jeffers reported that COMAR 10.27.14, Dispensing of Methadone in Clinics, was submitted to the Board of Nursing on June 18, 2008.		
VII. Administration & Public Support	Patricia Gaither, Administration and Public Support	P. Gaither reported that the recently hired Inspectors have been notified of the timing for the conversion of their positions to permanent status. The dates of the conversion will begin six (6) months from the date of hire.      L. Naesea reported that P. Gaither provided a draft version of the PEAC Audit	2. Motion:	2. Board Action:
	Manager	Report to A. Tommassello for PEAC input. The Board has requested a response within ten (10) days. The audit identified discrepancies in the number of clients reported among the various documents submitted by PEAC. The discrepancies may require reimbursement of fees paid to PEAC. The audit also recommended that PEAC develop a more accurate reporting system to track transfer of clients into and out of the Program.	R. Taylor made a motion to accept the PEAC Audit Report. L. Israbian-Jamgochian seconded the motion.	The Board voted to approve the PEAC Audit Report.
		3. P. Gaither reported that the proposal for the new Pharmacist Rehabilitation Contract will be submitted to H. Finke and R. Taylor in July for review.		3. Action Item: P. Gaither to submit the proposed Pharmacist Rehabilitation Contract to H. Finke and R. Taylor for review.
		4. S. Goodman reported that the Board of Pharmacy's October Continuing Education Program is tentatively scheduled for October 19, 2008.  Dr. David Sharp, Maryland Health Care Commission, Dr. Frank Palumbo, University of Maryland School of Pharmacy and Mike Ewing, North Carolina Board of Pharmacy have tentatively agreed to participate. Board Members expressed concerns regarding possible conflicts with other meetings scheduled for that date.		4. Action Item: S. Goodman to research other meeting dates in October 2008 for possible conflicts.
		5. S. Goodman introduced Sally Heckman, Janet Robinson, and Desiree Voinche, representatives from Delmarva Foundation who provided a presentation on the Medicare Drug Safety Initiative. The purpose of the presentation was to gain support from the Board. In addition, the Delmarva Foundation requested approval to use the Board's name in their advertising.	5. Motion: D. Taylor made a motion to support the recommendations of the Delmarva Foundation. M. Handelman	5. Board Action: The Board voted to support the Delmarva Foundation Drug Safety Initiative.
			seconded the motion.	Action Item: S. Goodman to work with Delmarva to obtain an MOU for Board review.

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VIII. Management Information Services		T. Banks provided a summary of the MIS written report.  1. The number of e-mails received at the Board through the web-site has increased each month in 2008 over the monthly 2007 count, to date.    Month	Motion	Action/Results
		2. The use of the public websites has been increasing each month this year.    Month		
		Fiscal 2008  160,295  4. T. Banks reported that the Towson State University Memorandum of Understanding has been signed, and the University is recruiting a programmer to work at the Board's office to complete the development and testing of the software.  5. T. Banks reported that an Intern is working with her office. The Intern will be responsible for making recommendations for improving the Board's website.  6. T. Banks and M. Smith submitted a report regarding locating the Board's Disaster Recovery and Business Continuity site at the office of Maryland Public Television.  7. T. Banks reported that the Community and Hospital Inspection Forms are being converted to an electronic format.		

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		H. Finke requested information regarding the purchase of laptops for Board members. T. Banks reported that the laptops will be ordered by the end of July 2008.		8. Action Item: T. Banks to confirm the date for arrival of Commissioners' laptop computers.
IX. Public Relations Committee Report	Summar Goodman, Public Information Officer	No Report		
X. Practice Committee	David Chason	Public Inquiries:  1. Marc Summerfield, University of Maryland Medical Center, requested information regarding whether an Automated Product Machine (APM) - Self-Service Dispensing Kiosk, complies with Maryland law.  Summary of Board's response: If the Automated Product Machine (APM) - Self-Service Dispensing Kiosk is attached to the wall of a pharmacy where a pharmacist is present when the machine is in operation, the device appears to be in compliance with the Maryland Pharmacy Act.	Motion:     D. Chason made a motion to approve the letter as presented.     M. Sournais seconded the motion.	1. Board Action: The Board voted to approve the letter as presented.
		2. Nancy Gregor, Johns Hopkins Health System, requested the Board's approval of the use of GE Centricity EMR software by Johns Hopkins' physicians.  Summary of Board's response: It is the Board's policy that the Board and its Committees do not endorse activities, products, systems or services. The Johns Hopkins Community Physicians should comply with the Code of Maryland Regulations (COMAR) 10.34.20.0104 Format of Prescription Transmission, when transmitting prescriptions or storing prescription records electronically. The Board is aware of the many advances in this technology and is reviewing COMAR 10.34.20 this Summer. The Board anticipates a revision to this COMAR chapter in the near future.  Please also refer to the Certification Commission of Health Information Technology (CCHIT). CCHIT reviews and endorses electronic medical record software and certifies that the particular vendor is using a standard that is acceptable at that point in time. Certification with CCHIT is renewed annually due to the ongoing upgrades that occur in the industry.	Motion:     D. Chason made a motion to approve the letter as presented.     M. Sournais seconded the motion.	2. Board Action: The Board voted to approve the letter as presented.

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XI. Licensing Committee	Michael Souranis	M. Souranis provided an update programs. The Licensing Communitraining programs:				
		A. Target ®		A. Motion:     M. Handelman made a motion to approve the training program submitted by Target.     M. Souranis seconded the motion.	1 A. Board Action: The Board voted to approve the training program submitted by Target.	
		B. Institute for the Certification		ns (ICPT) ®	1. B. Motion: R. Taylor made a motion to approve the training program submitted by ICPT. H. Finke accepted the motion.	1 B. Board Action: The Board voted to approve the training program submitted by ICPT.
		2. Monthly Statistics – See Atta	achment 1			
XII. Disciplinary	Rodney Taylor,	1.A. Taylor reported the monthl	v Compliance statistics			
Committee	Chair	Complaints	Number			
		Category				
	Ann. Taylor,	Technicians	1			
	Compliance	Pharmacists				
	Officer	Open Complaints	16			
		Referred to AG	8			
		New Complaints	13			
		Referred to another Agency	1			
		Closed No Action	1			
		Further Action	0			
		Investigations	11			
		Formal Actions	0			
		Board Monitored	10			
		Establishments	33			
		Referred to AG	0			
		Formal Actions	0			
		New Complaints	2			
		Deficiency Letters	7			
		A. Taylor reported that the Be opening inspections with the D participating in closing inspect	ivision of Drug Control a			

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		3. A. Taylor reported that Board inspectors are using paper forms for their inspections until the laptop computers and new inspection forms are ready. This requires double the amount of data entry. Inspections may take up to four (4) hours, allowing only two (2) inspections per day.		
		4. A. Taylor reported that as of July 1, 2008, fifty-two (52) inspections have been completed by Board inspectors.		
		5. A. Taylor reported that the Long Term Care Inspection Form will be available next month for review by the Board.		
XIII. Long Term Care	Mayer Handelman, Chair	M. Handelman reported that the LTC Task Force will no longer meet on a regular basis and will be converted to an Ad Hoc Task Force to be reconvened as necessary.		
		2. M. Handelman reported that the Board will form a Long Term Care Workgroup for the specific purpose of revising COMAR 10.34.23 Pharmaceutical Services to Residents in Long Term Care Facilities.		
XIV. Informational	Donald Taylor, Board President	D. Taylor reviewed a letter from the DEA that was sent to NACDS regarding returns of CDS drugs for prescription disposal programs. The DEA does not permit returns of CDS drugs to pharmacles.		
		2. D. Taylor reported on the DEA "Notice of Proposed Rulemaking – Electronic Prescriptions for Controlled Substances." The complete text is in the Federal Register / Vol. 73, No. 125 / Friday, June 27, 2008 / Proposed Rules.		
		3. D. Taylor reviewed the letter from the MPhA House of Delegates requesting that the Board develop a program to promote the safe use of acetaminophen.	3. Motion: H. Finke made a motion to develop a program and Newsletter article for public education on the safe use of acetaminophen. M. Souranis seconded the motion.	3. Board Action: The Board voted to approve the development of a public education program.
XV. New Business	Donald Taylor, Board President	D. Taylor asked for a motion to close the Public Meeting and open a Closed Public Session for the purpose of engaging in medical review committee deliberations of confidential matters contained in technician applications in accordance with State Government, Sect. 10-508(a)(13).	Motion: M. Souranis made a motion to close the Public Meeting and open a Closed Public	Board Action: The Board voted to approve closing the Public Meeting and
		The Public Meeting was adjourned at 11:30 A.M.	Session. A. Leandre seconded the motion.	opening a Closed Public Session.
		At 11:45 A.M. Donald Taylor convened a Closed Public Session to conduct a medical review of technician applications.		

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XVI. Adjournment	Donald Taylor, Board President	The Closed Public Session was adjourned at 12:25 P.M. Immediately thereafter, Donald Taylor convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.	Motion: M. Souranis made a motion to adjourn the Closed Public Session. L. Bradley-Baker seconded the motion.	Board Action: The Board voted unanimously to adjourn the Closed Public Session.

Attachment 1

Monthly Licensing Statistics FY 2008

Category		Jan-08	Feb-08	Mar-08	Apr-08	May-08	May-07	Jun-08	Jun-07	Comments	
Licensed Pharmacists											
	In State		5517	5503	5510	5508		5535	5437		
	Out-of-State		2545	2543	2564	2566		2587	2464		
	Total Pharmacists		8062	8046	8074	8074	7898	8122	7901		
Due to renew		349	281	344	307	358	318	338	309		
	Paper renewals	314	63	62	49	56	94	60	85		
	On-line renewals		205	252	228	270	194	245	188		
	Non-renewed to date	35	13	30	30	32	30	33	36		
Reinstatements				_	_	_		_			
_	Less than 2 yrs	10	9	7	9	7	11	7	11		
_	2-5 years	0	1	1	2		1	2	0		
L	5 + years	0					0	0	0		
/accine Certifications	_										
accine Certifications	Received to date		260	261	262	264	142	265	145		
-	Certified this month	2	0	201	202	204	3	1	2		
	Pending this month		5	4	5	6	4	6	5		
	Total Certified to date	255	255	257	257	258	138	259	140		
<u> </u>	7010.00.111.00.10.00.10										
Pharmacy Technicians								_			
	Apps for Grandfathered to date		42	64	248	678	n/a	825	n/a	Numbers not ac	Formatted: Fo
	Apps for Nationally Certified to date		33	29	205	746	n/a	940	n/a	due to backlog	
	Student Exemption Apps to date		2	1	8	60	n/a	81	n/a	numbers not ye	
	Total Apps Received to date		77	219	940	1484	n/a	1846	n/a	Shirley is worki	i <b>r</b>
	Registered to date		50	94	464	746	n/a	1183	n/a	solution w/Mich	
	Registrations pending to date		27	125	476	738	n/a	663	n/a		Formatted: Formatted: Formatted

Pharmacies

	New In-State					4	4	2	2	
	New Out-of-State					3	3	3	4	
	New Waiver					0	0	1	0	
	Total New Pharmacies	0	0	0	0	7	7	6	6	
			•				•			
	Closed In-State					1	3	0	1	
	Closed Out-of-State					1	0	1	1	
	Closed Waiver						0	1	0	
	Total Closed Pharmacies	0	0	0	0	2	3	2	2	
	Total In-State Pharmacies		1127	1129	1129	1132	1115	1134	1117	
	Total Out-of-State Pharmacies		354	355	359	363	357	365	360	
	Total Waivered Pharmacies		104	105	105	103	112	103	112	
	Total Pharmacy Permits		1585	1589	1593	1598	1584	1602	1589	
Distributors										
Diotributoro	New In-State					5	2	3	1	
	New Out-of-State					14	6	11	10	
	Total New Distributors	0	0	0		19	8	14	11	
								• • • • • • • • • • • • • • • • • • • •		
	Closed In-State					1	0	0	0	
	Closed Out-of-State					1	1	3	1	
	Total Closed Distributors	0	0	0		2	1	3	1	
	Total In-State Distributors		174	175	176	183	188	186	189	
	Total Out-of-State Distributors		659	671	693	707	631	718	640	
	Total Distributors		833	846	869	890	819	904	829	
Rx Drug Repository Pro	gram									
	Total Apps Received		4	4	4	4	n/a	4	n/a	
	Approved		0	0	0	0	n/a	0	n/a	
	Pending		3	3	3	2	n/a	2	n/a	
	Withdrawals	_	1	1	1	2	n/a	2	n/a	